	* C	
	Application No.	Applicant(s)
Notice of Allematility	09/776,298	SASOWSKY ET AL.
Notice of Allowability	Examiner	Art Unit
	Chester T. Barry	1724
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatio GHTS. This application is subject:	oplication. If not included n will be mailed in due course. THIS
1. This communication is responsive to 3/10/04.		
2. The allowed claim(s) is/are 1-5 and 7-13.		
3.   The drawings filed on are accepted by the Examiner	<del>.</del> .	·
<ul> <li>4. ☐ Acknowledgment is made of a claim for foreign priority un</li> <li>a) ☐ All b) ☐ Some* c) ☐ None of the:</li> </ul>	der 35 U.S.C. § 119(a)-(d) or (f).	
Certified copies of the priority documents have		
Certified copies of the priority documents have		
<ol><li>Copies of the certified copies of the priority do</li></ol>	cuments have been received in this	national stage application from the
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply ENT of this application.	complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give	tted. Note the attached EXAMINER reason(s) why the oath or declar	R'S AMENDMENT or NOTICE OF ation is deficient.
6. CORRECTED DRAWINGS ( as "replacement sheets") mus	t be submitted.	
(a) ☐ including changes required by the Notice of Draftspers	on's Patent Drawing Review ( PTO	-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Paper No./Mail Date	: Amendment / Comment or in the C	Office action of
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the drawi ne header according to 37 CFR 1.121	ngs in the front (not the back) of (d).
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT F	SIT OF BIOLOGICAL MATERIAL FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the :AL MATERIAL.
A44		
Attachment(s) 1. ☑ Notice of References Cited (PTO-892)	5. Notice of Informal F	Patent Application (PTO-152)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6. 🔲 Interview Summary	(PTO-413),
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	Paper No./Mail Da 8), 7. 💢 Examiner's Amend	ite ment/Comment
Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's Stateme	ent of Reasons for Allowance
of Biological Material	9.  Other	
		Chester T. Barry 571-272-1152 direct Art Unit: 1724
U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04) No	tice of Allowability	Part of Paper No./Mail Date 20050702

Ke

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

## In the Specification:

Page 5 lines 6 – 8 were deleted because no drawing was originally filed with the application.

At page 10 line 30, "and is shown in Figure 1" was deleted.

At page 10 line 30, "This shows that" was also deleted.

The following is an examiner's statement of reasons for allowance:

USP 4764284 to JANSEN describes process for removing metals from water comprising fluidizing alkali carbonate (not calcium carbonate lithic material), seed material, and gravel onto the lattermost of which metal carbonate crystals preferentially precipitate. Insofar as Jansen is an improvement over a prior process using calcium carbonate (col 1 line 10) which suffered from certain water-related drawbacks 1/38, it would not have been obvious to have substituted calcium carbonate or calcium carbonate-bearing lithic materials for the alkali carbonates taught by Jansen.

The Netherlands published patent application No. 7108132 discussed by Jansen was not immediately available for review. It appears to describe addition of calcium

Art Unit: 1724

carbonate to the waste water from which metals were to be removed followed by filtration of the resulting material over a gravel filter. Col 1 lines 10-16.

5158686 and 5156746 are cited of interest.

USP 20040031753, although not prior art, is cited of interest for its disclosure of a lithic calcium carbonate layer 11 disposed apart from, i.e., distributed from, a lower gravel layer 15. An intermediate layer 13 may comprise fine gravel. See paragraph [0019]. Zinc is removed from zinc-laden runoff water.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

571-272-1152

CHESTER T. BARRY PRIMARY EXAMINER